

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

THE HONOURABLE  
JUSTICE PERELL

) ~~THURSDAY~~ THE 15<sup>th</sup> DAY  
) OF MARCH, 2018

B E T W E E N:

SHIREEN SONDHI

Plaintiff

- and -

DELOITTE MANAGEMENT SERVICES LP, DELOITTE & TOUCHE LLP;  
PROCOM CONSULTANTS GROUP LIMITED

Defendants

Proceeding under the *Class Proceedings Act, 1992*

**ORDER**

**THIS MOTION** made by the Plaintiff for an order certifying this action pursuant to s. 5 of the *Class Proceedings Act, 1992*, S.O. 1992, c. 6, (“CPA”) was heard on March 28 and 29, 2017, and January 5, 2018, at Toronto, Ontario.

**ON READING** the motion records and facta filed by the parties, and on hearing submissions of counsel:

1. **THIS COURT ORDERS** that the action against Procom Consultants Group Limited is dismissed.
2. **THIS COURT ORDERS** that this action is certified as a class proceeding, pursuant to s. 5 of the CPA as against Deloitte Management Services LP and Deloitte & Touche LLP (collectively “Deloitte”).

3. **THIS COURT ORDERS** that the Class is defined as:

All persons having performed document review or e-discovery services at Deloitte pursuant to an independent contractor agreement between January 16, 2014 and January 16, 2018, exclusive of any person who only ever performed the duties of a project manager.

4. **THIS COURT ORDERS** that Tarrie Phillip is appointed as the representative plaintiff for the Class and Monkhouse Law and Landy Marr Kats LLP are hereby appointed as lawyers for the Class.

5. **THIS COURT ORDERS** that the following issues are certified as common issues:

- (a) Did the actual circumstances of the relationship between Deloitte and the class members constitute an employer/employee relationship such that class members were in fact employees of Deloitte and not “independent contractors”?
- (b) If the answer to 1 is “yes”, is Deloitte liable to the class for employee benefits pursuant to the *Employment Standards Act* (including unpaid vacation pay and public holiday pay and overtime) and for compensation for improper remittances?
- (c) If liability is established, are aggregate damages available?

6. **THIS COURT ORDERS** that the content, form and distribution of notice of the certification of the class action, and opt out deadline, will be determined by the Court.

7. **THIS COURT ORDERS** that Deloitte shall pay to the Plaintiff a fixed and all-inclusive amount of \$353,790.88 for costs on the certification motion payable within 30 days of this Order being entered with the Court.

8. **THIS COURT ORDERS** that the Plaintiff shall pay to the Defendant, Procom Consultants Group Limited, a fixed and all-inclusive amount of \$60,000.00 for costs on the certification motion, payable within 30 days of the Plaintiff receiving payment from Deloitte as outlined in paragraph 7 above.

ENTERED AT / INSCRIT À TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

MAR 20 2018

PER / PAR:



THE HONOURABLE JUSTICE P.M. PERELL

Court File No. CV-15-00523524-00CP

SHIREEN SONDHI  
Plaintiff

v.

DELOITTE MANAGEMENT SERVICES LP et al.  
Defendants

**ONTARIO**  
**SUPERIOR COURT OF JUSTICE**  
**Proceedings commenced under the Class**  
***Proceedings Act, 1992***

Proceeding commenced at TORONTO

**ORDER**

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